

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MARTINEZ	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
JAMES T. WYNDER, et al.	:	No. 08-0046

ORDER

AND NOW, this 20th day of January, 2010, upon consideration of James Martinez's Amended Rule 60(b) Motion, the response thereto, the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated November 24, 2009, and Martinez's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. Martinez's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**; and
3. Martinez's motion for relief filed pursuant to Federal Rule of Civil Procedure 60(b) is **DENIED**.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

MITCHELL S. GOLDBERG, J.